IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO. 23 OF 2005

IN

SUMMARY SUIT NO. 2102 OF 2004

Suresh L.M. Akhija .....Plffs.
vs.
Narayan H. Mirashi .....Defnds.

D.R. Sanghvi for the plaintiffs.
S.A.Ghaisal for the defendants.

CORAM: S.U. KAMDAR, J.

DATE : 18th October, 2005.

P.C. :.

1. The claim in the present suit arises out of a dishonoured cheque of Rs.1,25,000/-. The defendants case is that the amount is not due and payable because the cheque was issued in good faith in blank and the plaintiff has filled in the same. It is further the case that it is the plaintiff who

has entered into the money lending transaction and infact whatever money is payable is paid by him. I find no substance in the defence advanced by the learned counsel.

2. However with a view to grant an opportunity to defend the suit, I directed the defendant to deposit a sum of Rs.1,25,000/- in this court within a period of 8 weeks failing which the plaintiff will be entitled to the decree. The defendant who is present in person accepts the same. Learned counsel agrees to give an undertaking inrespect of the same. The amount so deposited will be invested by the Prothonotary and Senior master in fixed deposits of any nationalised bank initially for a period of three years and renew the same from time to time till further orders.

3. If the amount is deposited as aforestated, then suit is transferred to the list of Commercial Causes. Written statement or points of defence to be filed four weeks from today. Affidavits, list of documents to be filed within four weeks

thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes.

sd/-

****